

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
v.	§	Cr. No. C-04-218(1)
	§	
PEDRO DE LA CRUZ-AGUILAR.	§	

**MEMORANDUM OPINION AND ORDER DENYING LETTER MOTION
FOR DOCUMENTS AND TRANSCRIPTS AT GOVERNMENT EXPENSE**

Pending before the Court is a letter motion from Pedro De La Cruz-Aguilar (“Aguilar”), which the Clerk received on July 10, 2006. (D.E. 28). In it, he requests copies of virtually all documents in his criminal case, as well as transcripts of all the hearings and court appearances in his case, including his sentencing and rearraignment transcripts.


Aguilar does not explain why he needs the documents and transcripts. The Court notes, however, that his criminal case has concluded. Judgment was entered against him on September 20, 2004. (D.E. 21). Additionally, the Court denied his motion pursuant to 28 U.S.C. § 2255 in an opinion and order entered June 23, 2005. (D.E. 22-24). Judgment on that motion was entered June 27, 2005 (D.E. 25), and Aguilar did not appeal.

As to his request for transcripts, an indigent defendant has a statutory right to free transcripts in particular circumstances. See 28 U.S.C. § 753(f); United States v. MacCollum, 426 U.S. 317, 96 S. Ct. 2086 (1976). The defendant must, however, establish that the transcripts are needed to decide an issue in a pending suit and that the suit is not frivolous. § 753(f).

As noted, Aguilar does not have any pending matters before this Court. Accordingly, even if he could show he were indigent, he nonetheless fails to meet the statutory requirements for free transcripts. Consequently, his motion seeking copies of transcripts at government expense is DENIED.

Similarly, he has not explained why he needs copies of the other numerous documents he requests in his case, and this Court is not required to provide such documents free of charge in the absence of any explanation and in the absence of any pending matter before the Court. Accordingly, to the extent his motion seeks free copies of court documents, it is likewise DENIED. If Aguilar wishes to obtain a copy of transcripts or other court documents at his own expense, he may contact the Clerk to make appropriate arrangements.

ORDERED this 24th day of July, 2006.


HAYDEN HEAD
CHIEF JUDGE